THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13048 of 2006

30-06-2006

Between:-

Kondaveeti China Sambasivarao

Petitioner

And

Deputy Commissioner of Endowments, Guntur and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13048 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments and with their consent the writ petition is disposed of at the stage of admission.

The petitioner was a tenant of the 2nd respondent-Devasthanam lands for a period of three years from 2003-06. During the crop year 2003-04, he claims to have suffered a loss of crop on account of the cyclone and submitted a representation on 09-01-2004 to the 1st respondent seeking remission of the rent. The 2nd respondent has now notified for public auction-cum-tender the lands of the 2nd respondent-Devasthanam for grant of

leasehold rights. The petitioner submitted a representation to the 1st respondent reiterating the claim for remission of rent as also requested for renewal of the lease in his favour for three more years to offset what he claims to be the loss suffered during the previous crop years.

The petitioner's grievance in this writ petition is that the 1st respondent has not answered or responded to any of his representations.

Insofar as the petitioner's claim for remission of rents or refund of the rent already paid is concerned, the 1st respondent is obligated to take a decision on the representation of the petitioner. The 1st respondent is directed to consider the petitioner's representation for remission of rent; take a decision and reply to the petitioner within a period of thirty (30) days from the date of receipt of a copy of this order.

Insofar as the petitioner's claim for grant of renewal of lease is concerned, the same cannot be the subject matter of decision under Article 226 of the Constitution of India as the relevant Rules, the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 issued in G.O.Ms.No. 379 Revenue (Endowments.I) Department dated 11-03-2003 ordain that all leases

should be by public auction, unless the competent authority, on a request made in writing by the executive authority, permit the lease of the property otherwise than by public auction, if the competent authority is satisfied for reasons to be recorded in writing that the alternative procedure is necessary in the interest of institution or the endowment. The loss claimed to have been suffered by the petitioner does not constitute a legitimate component of the interest of the institution or endowment warranting exercise of discretion by the competent authority to grant lease of the 2nd respondent-Devasthanam lands otherwise than by public auction. Leases of the 2nd respondent-Devasthanam lands should therefore be by public auction and public auction alone. No other procedure is justified. No Mandamus can be issued to direct an executive agency to perform a task prohibited by law.

For the aforesaid reasons, the writ petition is disposed of rejecting the claim of the petitioner for a direction to the respondents to grant renewal of lease, while directing the 1st respondent to take a decision on the petitioner's representation for remission and communicate the decision to the petitioner within the time aforestated. No costs.

GODA RAGHURAM, J

Dated:30-06-2006
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